

LAND USE AND ZONING COMMITTEE

Minutes: 21 July 2006

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:50 p.m.

The following members were present: Messrs. Hulihan, Haycox, Welch, Terriaco, and Messes. Ross, Diak and Garland. Staff: David Radachy

Concord Township Text Changes

Staff stated the text changes presented were created by a resident of Concord Township. The resident, William Fitzgerald, had spoken to the Township about making these changes. He got input on these changes from several county departments including the Planning Commission, Soil and Water, County Engineer and Ohio State Extension. In order to get onto the agenda, Mr. Fitzgerald had to fill out an application and pay the fee.

The first change is an amendment for building height in Section 22.08.

Staff recommended leaving mechanical appurtenances in the text. Removing it would not allow the builder to exclude the mechanical appurtenances from the building height. This may place a burden on the builder.

Staff made the following recommendation for 22.08 A. They suggested changing this section to read "All mechanical appurtenances on the roof top and all visible equipment mounted on the side of a building shall be shielded from public view and adjoining developments. The shielding shall be integrated into the architecture of the building in terms of massing, materials and details. The shielding for the mechanical appurtenances on the roof shall be part of the roof form."

Mr. Haycox thought these changes were too restrictive and would increase the expense to build. Seeing an air conditioner on top of a building was not that bad. It was a fact of life. Ms. Diak thought that air conditioners need air movement and that the shielding would block the air flow. But she also thought that the shielding would make the building look better. Mr. Terriaco also thought the changes would look better.

Staff asked the Committee if they wanted to do one motion or take it one section at a time. The Committee asked staff to continue on.

Staff moved to Section 22.09. This section is to provide a year-around screened buffer between residential and commercial land. The proposed changes do not reflect this concept. The present text changes would be difficult and time consuming to administer and to enforce. This section is written to preserve woodlands and provide open space. It is not designed to provide a proper buffer that would protect the residents to the side or rear of the commercial property. Staff agrees that proper protection needs to be added to protect the adjacent property owners. Mounding and fencing (properly installed with current vegetation and soil) may be a more beneficial solution.

For Section 22.09 E, staff recommended adding language that the trash enclosures shall not be placed in any of the setbacks or buffer areas. There should be height standard of six to eight feet instead of two feet above the container. Time restrictions would be difficult to enforce and zoning only allows you to cite the land owner, who may not be at fault. Time restrictions should be removed from this section.

Staff stated that they believed that the time restrictions in 22.09 J may be difficult to enforce and may be restrictive to business operations. They recommended that time restrictions be removed.

Staff stated that the outdoor cooking is regulated by the Health District through the food service license. The staff recommended removing Section 22.09 K.

Staff did not have any suggestions for the lighting section.

For Section 30.02 B, staff recommended that, when property adjoins a residential property, exposed bulbs and neon lighting shall not be used on the exterior surface of any sign or canopy on the sides of the buildings that face the residential properties. Awnings shall not have back lighting, canopy signs shall not be illuminated, beacon lights shall not be used and no internal sign illumination shall be allowed on the sides of the buildings that face the residential properties.

Mr. Haycox made a motion to recommend the text changes with staff's recommendation
Ms. Diak seconded the motion.

All voted "Aye".
Motion passed.

Madison Township District Change 31.27 acres R-1 to B-2

Staff showed the location of the site to be on the east side of Hubbard Road, south of Route 20, and north of Middle Ridge Road. The property was across the street from the senior center. He explained that Madison Township has three commercial zones, P-1, B-1 and B-2 and they build on each other. P-1, which has offices and barber shops, is the most restrictive and B-2, which has larger stores and gas stations, is the least restrictive. Staff stated that the 1996 Comprehensive Plan states the front of the property could go P-1 and the rear should remain residential.

Staff is recommending denying the district change because it does not conform to the 1996 Comprehensive Plan.

Mr. Welch made motion to recommend Madison Township not make the change because it does not conform to the 1996 Comprehensive Plan.
Mr. Terriaco seconded the motion.

All voted "Aye".
Motion passed.

Perry Township Text Changes

Staff stated that Perry Township has some text changes to Sections 307, PUD, and 310, Business and Commercial.

The first change was to Section 310.01. Perry Township is removing #47 Multi-family Dwellings, Condominiums, Apartments, and Duplexes from B, Business and Commercial. The second change deleted Sections 310.02 through 310.036 Multi-family Project Standards.

Staff agrees that multi-family used be removed as a use in the B, Business and Commercial Zone, but by doing this, Perry Township will be creating non-conforming uses. The Condominium Communities of Canterbury Crossings, Pebblecreek Crossing and Avenue Square will be non-conforming. These owners would be required to follow those rules.

Perry Township should create a multi-family district to make these developments conforming. Staff went to Section 307.02 a. Staff stated that the permitted uses allow for more than single family homes to be built in the SFPUD. Staff felt that Perry Township should change the name to LDPUD (Low Density PUD) or something similar to that.

For Section 307.04 a 1. ii., Attached Single Family, staff suggested only allowing duplexes or triplexes. Staff stated the maximum density is two units per acre. Duplexes and triplexes are still considered single family where four or more units are considered multi-family.

In Section 307.04 a 2, staff noted that Perry Township is allowing schools and nursery schools into a SFPUD. According to RLUPA, churches should also be allowed into the districts. Mr. Welch stated that he thought churches were an automatic approval. Staff stated that you can do them as a conditional use if schools and other similar uses were conditional uses.

For Section 307.04 b 2. iii, staff stated that, in the Section 307.02, Moderate Density Planned Unit Development is described as having multi-family dwelling in a condominium style of ownership. A condominium-style ownership involves dwellings owned by individuals with the land owned in common. That being the case, storage buildings would be inappropriate as accessory uses because land is separate from the buildings. If single homes on fee-simple lots are added to MDPUD, then these accessory uses could stay.

In regards to Section 307.05 a. 4, staff asked the question "How big is a larger parcel?" Staff felt that Perry Township should consider having minimum design standards set for how big the open space should be to be considered part of the 40%. Concord Township has a requirement that, if the width of the open space was from one inch to 25 feet, it was not considered part of the open space.

Staff stated that both Concord and Painesville Townships require two enclosed parking spaces. Perry Township should also consider going to two enclosed spaces for Section 307.05 c. 1.

For Section 307.05 g, staff suggested changing "Lake County Subdivision Regulations" to "Lake County Standards". This would cover the Lake County Subdivision Regulations and Lake County Engineer's Regulations.

Staff noted that private drives sometimes are in blocks, the setback should be off the edge of the block. If a private drive does not have an easement, then the setback should be greater than 25 feet. Easements are usually larger than 22 feet of pavement. Homes on private streets without easements would be closer to the pavement edge than ones with easements. They could also consider using a distance from the centerline for Section 307.06 d. 4. 55 feet would cover it (25 feet + 30 feet for a 60 foot ingress/egress easement).

Staff had the same recommendation for 307.06 e 1 and 307.07 e 1 to change "Lake County Subdivision Regulations" to "Lake County Standards". This would cover the Lake County Subdivision Regulations and Lake County Engineer's Regulations.

For Section 307.07 e. 3, staff stated that ORC 711.10 gives the County Planning Commission the duty to locate right(s)-of-way in accordance to comprehensive planning. Mr. Welch stated that was put in to make sure that the Township had the power to enforce their Comprehensive Plan. Staff stated that was a good idea, but ORC 711.10 gives the Planning Commission the duty to locate the roads. The Township can tell the developer that they need to dedicate public right(s)-of-way. They could make a suggestion of where they need to go, but they need to send them to the Planning Commission for approval. Staff stated that they did not want to see Perry Township lose the ability to approve PUDs because of language that gives them power that ORC states does not belong to them.

Staff noted in Section 307.09 a. that Concord and Painesville Townships invite the County Agencies to pre-application conferences and include the County through most of the PUD process. It cuts down on issues developing in the future and helps the developer in the long run to know what will be required of him in the future. Perry should consider inviting the county agencies into the PUD Process at the earliest point.

Mr. Terriaco also felt that it was important to have the county agencies at the pre-application meeting. He stated that he was watching the pre-application conference for Orchard Springs on the public access television station. He stated that the developer received all the information from the County reviewing agencies. He thought that would help the developer in the long run.

In Section 307.09 f, Bonding, staff was concerned that this may go beyond what ORC 519 would allow a township to do. They suggested that Perry Township have their legal advisor look into this issue.

Mr. Terriaco made a motion to recommend the text changes with staff's suggestions.
Mr. Hullihen seconded the motion.

Six voted "Aye".
Mr. Welch abstained.

Motion passed.

Mr. Welch made motion to adjourn.
Ms. Garland seconded the motion.

All voted "Aye".

Motion passed.

The meeting adjourned at 7:40 P.M.